

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIC BERNARD,

Plaintiff,

v.

No. 13-cv-1217 WJ/SMV

STATE OF NEW MEXICO, et al.,

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

This matter is before the Court on Plaintiff's financial certificate and inmate account statement [Doc. 3], which the Court construes as his motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915. Because the Court grants the motion, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Based on the information about Plaintiff's financial status, the Court finds that Plaintiff owes an initial partial payment of \$3.34 pursuant to § 1915(b)(1). The Court will not review the merits of the civil rights complaint unless the initial partial payment is paid or excused. If Plaintiff fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint may be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's motion and affidavit for leave to proceed pursuant to 28 U.S.C. § 1915 [Doc. 3] is **GRANTED**;

IT IS FURTHER ORDERED that, within thirty (30) days from entry of this order, Plaintiff send to the Clerk an initial partial payment of \$3.34 or show cause why the payment should be excused;

IT IS FURTHER ORDERED that the Clerk is directed to provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty percent (20%) of the preceding month's income credited to Plaintiff's account or show cause why the designated payments should be excused. The Clerk is directed to provide Plaintiff with two copies of the post-filing financial certificate, and Plaintiff must make the necessary arrangements to have the monthly payments identified by the civil action number on this order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge